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36.12.113 RESERVOIR STANDARDS (1) An application project involving a new or existing reservoir must include the annual volume of water that will evaporate from the reservoir water surface.

(2) The application must include information explaining how the storage reservoir will be managed to satisfy senior water rights. Senior water users are not entitled to water that has been legally stored.

(3) If applicable, preliminary design specifications for a reservoir's primary and emergency spillways must be included.

(4) If a reservoir is located off-stream:

(a) the conveyance means to and from the reservoir must be identified; and

(b) any losses that may occur with the means of conveyance must be calculated and identified.

(5) For on-stream reservoirs, no flow rate is required. If a flow rate is requested for an on-stream reservoir, documentation must show why a flow rate is needed and reasonable.

(6) Place of storage does not include:

(a) reservoirs, pits, pit-dams, or ponds with a capacity of less than 0.10 acre-feet; or

(b) the use of a temporary or permanent diversion structure within a canal or ditch designed to raise water surface elevation for primary diversions or to direct flows to a secondary conveyance facility.

(7) Water tanks or cisterns that are a part of a water system are not considered storage reservoirs and a water right application is not needed to add a water storage tank or cistern as long as the flow rate and volume of a water right is not being increased.

(8) If the application is for a reservoir for which the above standards are not applicable, the applicant must explain the reason why the standard is not applicable. (History: 85-2-113, MCA; IMP, 85-2-301 through 85-2-319, 85-2-321 through 85-2-323, 85-2-329 through 85-2-331, 85-2-335 through 85-2-338, 85-2-340 through 85-2-344, 85-2-350, 85-2-351, 85-2-401, 85-2-402, 85-2-407, 85-2-408, 85-2-410 through 85-2-413, 85-2-415 through 85-2-419, 85-2-436, 85-2-437, 85-2-439, 85-2-501 through 85-2-512, 85-2-601 through 85-2-606, 85-2-608, 85-2-804 through 85-2-806, MCA; NEW, 2004 MAR p. 3036, Eff. 1/1/05; AMD, 2007 MAR p. 1098, Eff. 8/10/07.)